

**INLAND WETLAND AND WATERCOURSES COMMISSION  
REGULAR MEETING  
MINUTES OF OCTOBER 5, 2011 @ 7:00 P.M.  
POMFRET SENIOR CENTER**

**OPEN REGULAR MEETING:** J. Folsom opened the meeting at 7:00 p.m.

**ROLL CALL:** Present – John Folsom; Chairman; James Rowley, Secretary; Paul Safin, Member; Marshall Eaton, Member; Joseph Stoddard, Member; Nancy McMerriman, Member; William Gould, Alternate; John Bergendahl, Alternate; Ryan Brais, WEO; and James Rabbitt, Designated Agent. Absent - David St. Martin, Vice Chairman.

**SEAT AN ALTERNATE AS NEEDED** – J. Bergendahl was seated.

**ITEMS TO BE ADDED TO AGENDA:**

**1. Request from Rectory School for release of bond.**

P. Safin made a motion to move this item under Commission Business #3 on the agenda. J. Stoddard seconded the motion and it was approved unanimously.

**PENDING APPLICATIONS:**

- 1. Janice Bosworth, 13 Day Road,** relocation of existing house trailer on the property and associated land disturbance. A letter from Bob Messier was read into the record requesting this application be continued until the November 2, 2011 meeting. The applicant is requesting a 35 day extension to allow time for soil testing due to weather related conditions. J. Rowley made a motion to grant a 30 day extension to the maximum 65 days allowed. P. Safin seconded the motion and it was approved unanimously.
- 2. Greg & Tracie Bristow, 806 Hampton Road,** repair underground piping issue created by rock fill in area west of dam; issue had created a “cave-in” and then a “wash-out”. Jamie spoke with the engineer regarding this application. The material is saturated in the core and they are waiting for it to solidify. He said to table this application for now without an extension (could possibly do another 65 day extension).
- 3. John & Kathryn Casey, 89 Orchard Hill Road,** placement of a 12” culvert w/collar and end walls; also 18” x 20’ culvert sure loksmooth inside w/welded on coupling; also have small tractor, dozer to remove and re-establish turf and pasture. K. Casey submitted a letter along with a map and some photos of the site. J. Folsom read the letter into record. J. Casey & K. Casey are both very upset and feels this commission is not friendly. Jamie then spoke about an aerial photo of Rte. 101 and 169 he distributed to the commission, along with a sketch showing the 18” smoothbore pipe and 12” smoothbore pipe. The sketch shows a slight modification that Staff recommends for the site. J. Casey then said that nothing has eroded with all the rain we’ve had. He says that water is coming down from Loos & Co. The Casey’s then stated again that they had felt that they were OK to do this work as an agricultural issue. Jamie then said that he is not disagreeing with the Casey’s but John was advised in January that he needed a permit to do this work. J. Folsom then said that this is water under the bridge. He then said that after the presentation Jamie made, what do the Casey’s plan to do. W. Gould then asked if the Casey’s are going to notify the commission when work starts. K. Casey then said she didn’t say why they’d need to as everyone knew when tri-axles were on the lot, so they are being watched. Jamie then said that he had no draft approval ready for tonight. J. Folsom then said that he felt the Casey’s should call someone when the work starts. Jamie then told the commission members to ask all the questions they need to while the Casey’s are present and he

will work on a draft motion for either tonight or next month. M. Eaton said he'd like the motion to be made tonight. P. Safin agreed with Marshall because the Casey's came forward with maps and agreeing to Jamie's recommendations. J. Folsom then asked if Jamie wished to add to that. Jamie said that the work will need to be done within dry conditions. J. Folsom then asked if the commission wished for Jamie to draft a motion. N. McMerriman said yes, as long as Jamie is comfortable with drafting it. P. Safin then made a motion to approve this application with the following conditions: 1) notify staff when work is initiated; 2) work to be done in the dry season; 3) maintain limits of disturbance; and 4) crossing details as shown on map (with correction of pipe size). M. Eaton seconded the motion and it was approved unanimously.

- 4. Sam Hull, Hull Forest Products, 101 Hampton Road,** proposal to utilize a 12.73 acre lease area for the purpose of round log storage/laydown area. G. Glaude for Killingly Engineering was present to represent the applicant. He stated that they are proposing to create a round log storage in their leased area. He described the colored map he distributed to the commission members showing where the storage area will be. He said that only logs will be stored in this area. Jamie said he walked the site on two occasions this month. He stated: 1) that wetlands flag 32 and 33 should be shown on the plans as they are well inside of the 150' buffer. He said there is a small upland watershed associated with that area; 2) between 12 and 13 there are a couple of small micro topographies and he may recommend redirection to original spot; 3) at the southwest corner of the site (stonewall) the topography doesn't show how they're going to treat that area; there is significant water channelization near the storage and the southeast corner historical drainage courses run unabated; and 4) the soil profile varies and short on gravel; easterly side has natural buffer that will remain; functionality of getting from south side to north side will change so the water patterns are going to change. Jamie said he didn't prepare formal comments for tonight as he needs to have a discussion with Norm again and then prepare a favorable motion for next month. W. Gould asked is all this information will be on the new drawing. P. Safin asked if they are just doing the cutting this year. Greg said possibly; they still need to go through Planning & Zoning and they're planning on a two phase approach to this project. J. Folsom asked whether they would haul the loam offsite and bring in gravel. Jamie said he needs to discuss this with the applicant. J. Folsom then said that the applicant can decide whether to remove and replace or not. Greg said in response to W. Gould that the information will definitely be noted on the plans. P. Safin asked Jamie if there is still enough time in the time line to which Jamie replied yes. This was tabled until next month.

**CITIZEN'S COMMENTS:** None.

**NEW APPLICATIONS:** None.

**NO-FEE APPLICATIONS:** None.

**NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:**

- 1. Roger Daigle, 193 Putnam Road,** Cease and Desist. 10/4/07 – Received new application 9/2/09. Application was approved with conditions 12/2/2009. Work to be done in July. Permit has been approved awaiting payment. This is now the subject of a new application (8/3/11) with the commission. Application was approved with conditions on 8/17/11. Jamie met with R. Daigle today (10/5/11) and walked the site today. The weather has not been advantageous to performing the work. Roger reiterated to Jamie that he is committed to doing this work. Jamie then said that when the commission initially acted on this issue, they didn't anticipate spring conditions in August, September and October. The brook is 1-2' deep and running 4' wide so this is not time to go in and do the work. Jamie looked up the expiration date of the permit and found it to be 11/1/11. There was discussion about an extension being given. P. Safin wanted to know about how long this could continue on as it's already been going on a long time and the commission didn't create this situation

for him. W. Gould wanted to know if any surety/fees had been submitted yet to which Jamie said not yet. There was further discussion and it was decided that if he failed to post the required fees prior to 11/1/11, then the permit would expire. It was further stated that if a letter and check was received before 11/1/11, then the clerk is to call J. Folsom and let him know. Leave on agenda.

2. **JASD, Orchard Hill Road** - work in regulated area. NOV issued 11/4/05. Nothing new. Leave on agenda.

**JURISDICTIONAL RULINGS:** None.

**AGRICULTURAL ACTIVITIES:** None.

**PRIOR APPLICATIONS WITH CONDITIONS:**

1. **Paul Miller, Tyott Road**, culvert replacements, road widening, catch basin, and installation of a couple of pipes regarding the four lot subdivision. The work is ongoing, continuing in a westerly direction. Leave on agenda.
2. **Town of Pomfret, Grosvenor Road**, remove old culverts and replace with two new ones. Start date of this project was 8/27/09. The remediation date was 1/6/11. Syl Pauley, as the licensed engineer for the project, signed off on the project on 1/10/11. Staff will continue to monitor. The stream channel continues to find its own course. J. Folsom said he went out after Irene and the tree they were concerned about broke about 10' up, but the roots are still there and the bank is not compromised. Leave on agenda.
3. **Donna Gauthier, 2 Clapp Road**, single-family home. Letter was sent 7/1/09. Letter received from D. Gauthier requesting return of bond. J. Rabbitt said the site is as stable. The bond was released on 10/4/11 so this item can now be removed from the agenda.
4. **Sarantopoulos, 325 Wrights Crossing Road**, subdivision 5/07. CO has been issued. Landscaping and E&S are stable. Leave on agenda.
5. **Loos, Rebecca, 40 Modock Road**, 4-lot subdivision 6/07. No activity. The four parcels have been bought. No activity. Leave on agenda.
6. **Moon et. Al., Peter, 596 Pomfret Street**, single-family home 3/08. Application was approved with 10 conditions. Lot is advertised for sale with all approvals in place. No activity. Leave on agenda.
7. **CT Audubon Society, 218 Day Road**, construction is done. Everything is stable and they are moved into the site. This can now be removed from the agenda.
8. **Pomfret School, 398 Pomfret Street (10/6/10)**
  - A. **Remediation** – still functioning well
  - B. **Turf Fields** – will be meeting to discuss northerly utility line run and how they are going to handle it
9. **Town of Pomfret Recreation Field, 576 Hampton Road, (10/6/10)** The site is stable. The basketball courts are in, paved, fenced, striped, the backboards and nets are up and is fully functioning. The tennis courts are paved and fenced but no stripes are in yet. They finished the parking lot and trap rock but Jamie needs to meet with Selectmen and Road Crew Foreman to get them to complete that part of the project according to the approved plans.
10. **Ridgewood Farms, LLC, formerly CT Real Estate Holdings, LLC, 195 Searles Road**, Cease and Desist in effect as of 3/16/05. Certificate of NOV placed on land records on 5/19/06. (gravel extraction) Actual date of permit is 11/07. Deposit date of surety/bond monies was 8/15/10. There is no activity. Leave on agenda.

**SUBDIVISIONS APPROVED BY PLANNING AND ZONING:** None.

## COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION:

### 1. Ongoing

- A1. Sharp Hill Vineyard/Fowler – (9/1/10)** Due to weather, the paving schedule is off by three plus weeks. It is understood that Wade Road will be the first project in the spring.
- A2. Mr. Fowler** was issued a NOV 7/15/11. Still under NOV. Jamie had contact with Mr. Hoffa today. Said he had the application completed but had a few questions. Said he would call Jamie back in 10 minutes, but never called back. This is to be a jurisdictional ruling. Leave on agenda.
- B. Scott Lee, 585 Mashamoquet Road – (9/1/10)** Too wet to do anything. Leave on agenda.
- C. Scott Lee/Knight property – (1/5/11)** same as above. Leave on agenda.
- D. Paul Hennen, 555 Mashamoquet Road – (1/5/11)** no new correspondence from Mr. Hennen. We are still awaiting DEEP feedback. Leave on agenda.
- E. Windham 4-H Camp – (4/6/11) (Cease & Desist issued 3/16/11)** application was approved 8/3/11 with conditions. There are weather issues. Leave on agenda.
- F. Janice Bosworth – (5/4/11)** Day Road mobile home, camper and water/stream problem. Application was submitted to commission 8/3/11. Extension granted on remediation application. Supposed to submit new application next Wednesday for two lots in addition to this application. Leave on agenda.
- G. James & Linda Byrne, 196 Kearney Road, (5/4/11)** information received that 10 yds. of mulch were delivered and 5 yds. of the mulch has been put into the wetlands. Ryan re-checked this property and did not find a violation. This can be removed from the agenda.
- H. John Casey property – (1/5/11)** it was mentioned that there are two tri-axles on the property. Ryan had checked the property and hasn't seen anything or any disturbance. After further inspection, a NOV was issued 8/10/11. NOV has not been lifted. Leave on agenda.

**NEW COMPLAINTS:** None.

**CITIZEN'S COMMENTS:** None.

**EXTENSIONS REQUESTED:** None.

### COMMISSION BUSINESS:

1. Updates and Report from WEO and Commission members. Ryan said that no inspections were made this month. However, he did make an inspection tonight to the property above the Casey's, formerly owned by R. Canning (131 Orchard Hill Road). There was a breakdown in E&S and sediment entered the wetlands, which was removed with shovels and buckets. They are to maintain E&S protection until spring. J. Folsom asked Jamie if approvals go with the land. Jamie wanted to know if they paid the fees and noted that there were conditions attached to this approval. Jamie said that 11.27 of the regulations say you can transfer a permit upon written request and acceptance of all provisions associated with the approval. Ryan is going to write a letter to the current owner regarding this information and we need to find out if any fees are due. J. Folsom asked that this item, 131 Orchard Hill Road, be added to the agenda under Prior Applications with Conditions.
2. Approval of the *September 7, 2011 Minutes*. – P. Safin made a motion to approve the minutes as submitted. M. Eaton seconded the motion. J. Rowley noted a spelling error and N. McMerriman noted a word needed to be removed. P. Safin then made a motion to approve the minutes as amended. M. Eaton seconded the motion and it was approved unanimously.
3. Report of billing and bond releases – Lynn reported that Donna Gauthier had all her surety/fees released to her on 10/4/11. She also reported that Donna Smith had her surety money released on 10/4/11, but held the inspection fees due to there being more inspections coming up. J. Folsom then noted the letter from the Rectory School requesting a return of their fees. Lynn told the commission that there is an

outstanding \$40 fee due on this application. M. Eaton made a motion to release the fees to the Rectory School, minus the \$40 in fees still owed. J. Stoddard seconded the motion and it was approved unanimously. J. Folsom then said that J. Rivers requested that we add a list of the bonds we're holding and we'll put it under Commission Business #3. It will be a list of just the bond names.

4. Correspondence – very little correspondence this month
5. As needed – None.

**ADJOURNMENT** – Motion to adjourn was made by M. Eaton. P. Safin seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 8:55 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: \_\_\_\_\_